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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,599	12/11/2003	Chris Fry	BEAS-01333US1	8210

23910 7590 11/16/2007

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ART UNIT	**PAPER NUMBER**
2154	

MAIL DATE	DELIVERY MODE
11/16/2007	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/733,599
Filing Date: December 11, 2003
Appellant(s): FRY, CHRIS

Kuiran Liu
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/13/07 appealing from the Office action mailed 5/31/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2001/0037367	IYER	11-2001
2003/0037110	YAMAMOTO	2-2003
2003/0009525	YASUE	1-2003
2004/0078455	EIDE	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-6, 9-11, 20-32, 34, 37, 39-46, 48, 51 and 53-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyer (2001/0037367), in view of Yamamoto (2003/0037110) and Yasue (2003/0009525).

3. As to claim 1, Iyer discloses the invention substantially as claimed, including a system to provide conversation states (current state, 36, fig. 2; page 3, [0026], lines 3-5;

page 3, [0029], lines 5-8), comprising:

a first computing device (owner client, fig. 1) capable of accepting a message during a conversation between the process running on the first computing device and another process (page 1, [0010]; conversation between an owner and a visitor; page 3, [0030]; negotiating the control of the virtual area between the first and the second users; page 5, claim 1) (visitor clients can connect to the shared area in order to communicate with one another; page 2, [0022]);

a second computing device (visitor client, fig. 1) capable of:

maintaining a state requested by the message (send a message to the existing owner informing him that a new visitor wants to be a co-owner; page 4, [0037]; fig. 7) and storing information of the state in memory on the second computing device (84, fig. 5) (70, 72, fig. 4b; page 1, [0008], lines 10-18; page 2, [0026]; page 3, [0026]; page 3, [0031]); and

a conversation manager (server, 18, figs. 1 and 6) capable of:

providing the information of the state to the first computing device (figs. 2-3; page 2, [0025] – page 3, [0026]).

4. Iyer discloses identifying location information (unique identifier identifying a specific portion; page 3, 0028; location ID; page 3, 0030), and providing the location information to the first computing device (at steps 66 and 68, the SA ID and/or Location ID along with owner information are encoded in the visitor device; page 3, 0030). However, Iyer does not specifically disclose the location information of the second

computing device, which maintains the state information. Yamamoto discloses identifying the location of the second computing device, which maintains the state requested by the message (identifying the locations of the users in a peer-to-peer; page 1, [0007]; current location of terminal; page 2, [0016]; page 3, [0046]-[0052]; page 4, [0053], [0055]); and providing the location to the first computing device (page 5, [0074], [0087]; page 8, [0138]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iyer and Yamamoto because Yamamoto's identifying and providing the location of computing device would allow participants who are chatting in the chat room to keep track of their partners' locations (Yamamoto, page 1, [0012]).

Iyer discloses storing information of the state in memory (84, fig. 5) (72, fig. 4b; page 1, [0008], lines 10-18; temporary memory buffer; page 1, 0009; page 2, [0026]; page 3, [0026]; page 3, [0030], lines 13-17). However, Iyer does not specifically disclose storing information in non-persistent memory. Yasue discloses storing information of in non-persistent memory (201b, fig. 3; stores the chat room data to RAM; page 8, 0132; harassment report mail based on the report form input information stored to RAM of the system memory 201 B; page 8, 0135-0136; in the message log of the chat room data stored to RAM; page 8, 0137). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iyer and Yasue because Yasue's non-persistent memory would provide faster access times than persistent memory.

5. As to claim 2, Iyer discloses the first and second computing device form a cluster (members of the group; page 1, [0005]; page 1, [0012]; page 5, [0038], lines 1-11).

6. As to claim 3, Iyer discloses the conversation manager is capable of maintaining the locations of all states in the system (20, 22, fig. 1; 19, 20, fig. 6; page 2, [0025]; page 4, [0033]; page 4, [0034], lines 29-46).

7. As to claims 4-6, Iyer discloses the information include a map of every state leased, owned, or stored on it (visitor or exit; 96, fig. 7; owner; 102, fig. 7; page 1, [0008], lines 10-18; fig. 2; owner name; page 3, [0026], [0028], [0030], lines 13-17; page 4, [0033], lines 5-8).

8. As to claim 9, Iyer discloses the conversation manager is capable of periodically determining the availability of computing devices (license right manager 19 can verify the status of the visitors at predetermined time intervals; page 4, [0034], lines 39-42).

9. As to claim 10, it is rejected for the same reasons set forth in claim 1 above. In addition, Iyer discloses a conversation partner (sender; client; fig. 1) capable of providing a message for a conversation (visitors can communicate with the owner and other visitors through message, chat rooms; page 5, [0038], lines 18-28).

10. As to claim 11, Iyer discloses the message includes a conversation ID (fig. 4a; header portion includes a unique electronic identifier; page 3, [0028]).

11. As to claim 20, Iyer discloses the first computing device is capable of contacting the conversation manager to determine the location of a state requested by the message using the conversation ID (page 3, [0028], lines 9-23; shared area ID and location ID along with owner information are encoded in the visitor device; page 3, [0030], lines 11-13).

12. As to claim 21, Iyer discloses the first computing device is capable of answering a request for the state directly without contacting the conversation manager if it owns such state (it is possible that during the control of one owner, visitors can communicate with the owner without the assistance of the ARM; page 5, [0038], lines 15-18).

13. As to claims 22-24, Iyer discloses the conversation manager is capable of accepting the request for the location of a state from the first computing device (page 3, [0028], lines 9-23; shared area ID and location ID along with owner information are encoded in the visitor device; page 3, [0030], lines 11-13).

14. As to claim 25, Iyer discloses the first computing device is capable of invoking the state on the second computing device in order to respond to the conversation message received (visitors can comment on the music CD...and ask to stop playing, to

fast forward, or to replay the CD...based on the reaction of the visitors, the owner wants to make appropriate changes; page 5, [0038], lines 22-28).

15. As to claim 26, Iyer discloses the conversation manager is capable of sharing a state with at least two conversations (sharing of information through a communication network; page 1, [0002], [0008], [0009]).

16. As to claim 27, Iyer discloses the conversation manager is capable of tracking a participating Web service that initiates conversation (license right manager 19 which monitors the right of the owner to play and the right of the visitor to view the played movie; page 4, [0034], lines 29-35; license right manager 19 can verify the status of the visitors at predetermined time intervals; page 4, [0034], lines 39-42).

17. As to claim 28, Iyer discloses the conversation manager is capable of sharing a state with at least two Web services (a group of friends can share music CDs in the shared area; page 5, [0038], lines 1-5; and joining the sessions of theses services (the visitors are invited by the owner will be able to hear the music; page 1, [0009], lines 1-7; page 1, [0012]; joining; page 2, [0019]).

18. As to claim 29, it is rejected for the same reasons set forth in claims 1 and 10 above. In addition, Iyer discloses providing a conversation for a Web service (sharing information through a web site; page 1, [0003]; page 1, [0009]; shared area has a

unique identifier such as a universal resource locator for the world wide web, contain information; page 2, [0022], lines 12-22; page 5, [0041]); accepting a conversation message from a conversation partner (visitors can communicate with the owner and other visitors through message, chat rooms; page 5, [0038], lines 18-28); contacting a conversation manager to determine the location of the state for a conversation (when an attempt is made to use or access a particular piece of subject information which stored in a file, the visitor client will have to verify the existence of the owner, the shared area ID, and the location ID; page 3, [0028], lines 9-23; shared area ID and location ID along with owner information are encoded in the visitor device; page 3, [0030], lines 11-13); accepting (receiving) the location of a state from the conversation manger (page 3, [0028], lines 9-23; shared area ID and location ID along with owner information are encoded in the visitor device; page 3, [0030], lines 11-13); invoking a state on a computing device in order to respond to the conversation message received (visitors can comment on the music CD...and ask to stop playing, to fast forward, or to replay the CD...based on the reaction of the visitors, the owner wants to make appropriate changes; page 5, [0038], lines 22-28).

19. As to claim 30, it is rejected for the same reasons set forth in claim 29 above. In addition, Iyer discloses invoking a state on a computing device in order to respond to the conversation message received (visitors can comment on the music CD...and ask to stop playing, to fast forward, or to replay the CD...based on the reaction of the visitors, the owner wants to make appropriate changes; page 5, [0038], lines 22-28)

directly without contacting the conversation manager (it is possible that during the control of one owner, visitors can communicate with the owner without the assistance of the ARM, i.e., authentication and management, 20, fig. 1; page 5, [0038], lines 15-18).

20. As to claim 31, it is rejected for the same reasons set forth in claim 3 above.

21. As to claims 32 and 34, it is rejected for the same reasons set forth in claims 4-6 above.

22. As to claim 37, it is rejected for the same reasons set forth in claim 9 above.

23. As to claim 39, it is rejected for the same reasons set forth in claims 22-24 above.

24. As to claim 40, it is rejected for the same reasons set forth in claim 26 above.

25. As to claim 41, it is rejected for the same reasons set forth in claim 27 above.

26. As to claim 42, it is rejected for the same reasons set forth in claim 28 above.

27. As to claim 43, it is rejected for the same reasons set forth in claim 29 above. In addition, Iyer discloses a machine readable medium (memory, 84, fig. 5) having

instructions (computer program) stored thereon that when executed by a processor (processor, 82, fig. 5) cause a system to (page 3, [0031]).

28. As to claim 44, it is rejected for the same reasons set forth in claim 30 above. In addition, Iyer discloses a machine readable medium (memory, 84, fig. 5) having instructions (computer program) stored thereon that when executed by a processor (processor, 82, fig. 5) cause a system to (page 3, [0031]).

29. As to claim 45, it is rejected for the same reasons set forth in claim 3 above.

30. As to claims 46 and 48, it is rejected for the same reasons set forth in claims 4-6 above.

31. As to claim 51, it is rejected for the same reasons set forth in claim 9 above.

32. As to claim 53, it is rejected for the same reasons set forth in claims 22-24 above.

33. As to claim 54, it is rejected for the same reasons set forth in claim 26 above.

34. As to claim 55, it is rejected for the same reasons set forth in claim 27 above.

35. As to claim 56, it is rejected for the same reasons set forth in claim 28 above.

36. As to claim 57, it is rejected for the same reasons set forth in claim 29 above.

37. As to claim 58, it is rejected for the same reasons set forth in claim 43 above. In addition, Iyer discloses a computer data signal embodied in a transmission medium (communications link; page 1, [0012]; communication network; page 2, [0022]; Internet; page 3, [0029]).

38. As to claims 59 and 60, Iyer discloses the conversation can be within the context of a business application (sponsor the playing of particular songs for various participating visitors; page 5, 0040).

39. Claims 7, 8, 17, 18, 35, 36, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iyer, Yamamoto, Yasue, further in view of Eide et al. (2004/0078455).

40. As to claims 7, 8, 17 and 18, Iyer discloses copying information in violation of the primary computing device (page 1, [0003], lines 13-14). However, Iyer does not specifically disclose the state information on at least primary computing device can be replicated to one secondary computing device; and setting the second computing device as the new primary when the primary computing device fails. Eide discloses the

state information on at least primary computing device can be replicated to one secondary computing device (page 1, [0003]; page 5, [0046]); and setting the second computing device as the new primary (page 1, [0004], lines 6-11; page 5, [0047]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Iyer, Yamamoto and Eide because Eide' backup node would improve reliability and fault tolerant by allowing the backup node to continue operating previously performed by the primary node in the event of primary node failure.

41. Claims 35, 36, 49 and 50, they are rejected for the same reasons set forth in claims 7, 8, 17 and 18 above.

(10) Response to Argument

A. Rejection of claims 1-6, 9-11, 20-32, 34, 37, 39-46, 48, 51 and 53-60 are improper because Iyer in view of Yamamoto and Yasue cannot render independent claims 1, 10, 29, 30, 43, 44, 57 and 58 obvious.

a. Reiection of claim 1 is improper because Iver in view of Yamamoto and Yasue does not suggest all the claim limitations in claim 1.

(1) Appellant's Argument: Appellant asserts on page 7 of the Brief that Iyer and Yamamoto fail to teach "a *conversation between the process running on the first computing device and another process*". More specifically, Iyer discloses information sharing between "an owner" and "a user through a visitor device" (page 3, [0030]), while

Yamamoto discloses information sharing between "users to chat in an on-line chat room" (page, [0011]). Owner, visitors or users are clearly different from processes.

The Examiner respectfully disagrees. Appellant misinterprets the Iyer's reference. Page 2, paragraph 0022 of Iyer states that "the owner client 12 may be an electronic device such as a personal computer ...visitor clients 24-28, which may be a variety of electronic devices, can connect to the SA 16 in order to access the subject information 14 and communicate with one another."

Iyer further discloses on page 3, paragraph 31, which states in part:

> Fig. 5 depicts a computer 80 that comprises a processor 82 and memory 84. The computer 80 may be a personal computer or laptop, *containing computer programs*. Such computer can be used for the owner client 12, the SA 16, the server 18, the visitor clients 24-28 and/or any device that needs to transmit, receive, and share information. The processor 82 may be a central processing unit, digital signal processor, microprocessor, microcontroller, microcomputer, and/or any device that *manipulates digital information based on programming instructions*. The memory 84 may be read-only memory, random access memory, flash memory and/or any device that stores digital information. The memory 84 is coupled to the *processor 82 and stores programming instructions (i.e., computer program) that, when read by the processor 82, causes the processor to perform the steps discussed above with reference to Fig. 4*.

The passages above explicitly teach the owner, visitors or users represent computing devices, which include processes (i.e., programming instructions, computer program). The examiner notes that as Appellant's specification is silent to an exact definition of "process", the term may be interpreted to include any computer program. The definition from "Computer Dictionary", Microsoft Press, Third Edition, 1997, process is "a program or part of program". The examiner provides the reference as evidence to prove that is well known in the art. Therefore, contrary to Appellant's argument, Iyer explicitly

discloses processes, which run on the computing device.

The specification of the present application defines the term "conversation" on page 1, paragraph 0007, which states "ordered messages exchanged between ***participants*** can be referred to as a "conversation". The examiner further finds that the summary of the claimed subject matter of the brief on page 3, lines 3-4, states "***a conversation between the process running on the first computing device (106) and another process (100)***". The Appellant interprets conversation partner as shown in Appellant's fig. 1 as another process. However, nowhere in the Appellant's specification does Appellant states that the conversation partner is a process. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). The examiner notes that the conversation partner can be interpreted to include any computing device or any conversation participant.

Iyer discloses each computing device has a process (fig. 5; page 3, 0028-0031, "containing computer programs...such computer can be used for the owner client 12, the SA 16, the server 18, the visitor clients 24-28 and/or any device that needs to transmit, receive, and share information), and using the process running on the computing device can perform the conversation (exchange message) with another computing device having a process (fig. 4b; page 3, 0031, "programming instructions, i.e., computer program that, when read by the processor 82, causes the processor to perform the steps discussed above with reference to Fig. 4"; page 3, 0026, "provide ***chat capabilities***"; page 3, 0030, "the owner of the SA initiates a transmission of the

selected subject information to the connected visitor device"; page 1, 0012, "He invites a plurality of visitors to the virtual room"; page 2, 0022, "communicate with one another"; page 5, 0038, "***the visitors can communicate with the owner and other visitors through messages, chat rooms, or other similar communication tools*** to express their views about whatever is performed in the SA").

Moreover, Yamamoto discloses *a conversation* (fig. 2, "chat") *between the process* (fig. 10; page 1, 0003, "processing area chats on the terminal side, recoding medium for processing program for providing area chat rooms"; page 1, 0005, "chat room service; page 5, 0082, "processing section") *running on the first computing device* (3, figs. 1 & 10) *and another process* (fig. 10; page 1, 0003, "processing area chats on the terminal side, recoding medium for processing program for providing area chat rooms"; page 1, 0005, "chat room service; page 5, 0082, "processing section") (page 1, 0003, "on-line chat service using mobile communications terminals"; page 1, 0005, "chat room service is a service which allows computer or cell phone users to have text-based conversations with each other via a cell phone network or computer network"; page 2, 0015, "recording a processing program to provide area chat rooms...a portable terminal can exchange character information"; page 3, 0047-0051, "chat display screen").

In addition, Yasue discloses *a conversation between the process running on the first computing device and another process* (fig. 8; page 1, 0005, "client machines connected to a communications network, such as the Internet, to exchange messages in real time; page 1, 0006-0007, "a tool for two people to exchange messages or carrying out so called chat in real time; page 3, 0048, "exchanging real-time messages

among users...***messenger application and a chat application started on client machines by users***"; page 6, 0097).

Thus, Iyer in view of Yamamoto and Yasue clearly meet the claim limitation "a conversation between the process running on the first computing device and another process."

b. Rejections of claims 2-9 and 59-60 are improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in independent claim 1.

(1) Appellant's Argument: Appellant asserts on page 8 of the Brief that claims 2-9 and 59-60 are all dependent claims of independent claim 1...Accordingly, claims 2-9 and 59-60 are patentable at least for the same reasons for claim 1 as stated above.

The examiner respectfully disagrees. Claims 2-9 and 59-60 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 1.

c. Rejections of claim 10 is improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in independent claim 1.

(1) Appellant's Argument: Appellant asserts on pages 8-9 of the Brief that claim 10 is patentable, at least for the same reasons as stated above for claim 1. In addition, claim 10 further explicitly limits the scope of claim to the "conversation between the conversation partner and a process running on a first computing device."

In contrast, Iyer discloses information sharing between "an owner" and "a user through a visitor device" (page 3, [0030]), while "the visitors can communicate with the owner and other visitors through message, chat rooms." (page 5, [0038], line 18-28) Again, owner and visitors are clearly different from computer processes.

The Examiner respectfully disagrees. Appellant misinterprets the Iyer's reference in stating that owner, visitors or users are clearly different from processes. On page 2, paragraph 0022, Iyer states that "the owner client 12 may be an electronic device such as a personal computer, network appliance, setup box...visitor clients 24-28, which may be a variety of electronic devices, can connect to the SA 16 in order to access the subject information 14 and communicate with one another."

Iyer further discloses on page 3, paragraph 31, which states in part:

> Fig. 5 depicts a computer 80 that comprises a processor 82 and memory 84. The computer 80 may be a personal computer or laptop, *containing computer programs*. Such computer can be used for the owner client 12, the SA 16, the server 18, the visitor clients 24-28 and/or any device that needs to transmit, receive, and share information. The processor 82 may be a central processing unit, digital signal processor, microprocessor, microcontroller, microcomputer, and/or any device that *manipulates digital information based on programming instructions*. The memory 84 may be read-only memory, random access memory, flash memory and/or any device that stores digital information. The memory 84 is coupled to the *processor 82 and stores programming instructions (i.e., computer program) that, when read by the processor 82, causes the processor to perform the steps discussed above with reference to Fig. 4*.

The passages above explicitly teach the owner, visitors or users represent computing devices, which include processes (i.e., programming instructions, computer program). The examiner notes that as Appellant's specification is silent to an exact definition of "process", the term may be interpreted to include any computer program. The definition

from "Computer Dictionary", Microsoft Press, Third Edition, 1997, process is "a program or part of program". The examiner provides the reference as evidence to prove that is well known in the art. Therefore, contrary to Appellant's argument, Iyer explicitly discloses processes, which run on the computing device.

Regarding Appellant's argument that, Iyer, Yamamoto and Yasue do not teach a conversation between the conversation partner and a process running on a first computing device. During examination, the claims must be interpreted as broadly as their terms reasonably allow. *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004). The examiner notes that as Appellant's specification is silent to an exact definition of "conversation partner", the term may be interpreted to include any computing device or any conversation participant.

Iyer discloses a conversation between the conversation partner (24-28, fig. 1, "visitor client") and a process running on a first computing device (12, fig. 1, "owner client"; page 3, 0028-0031, "containing computer programs) (fig. 4b; page 3, 0026, "provide ***chat capabilities***"; page 1, 0012, "He invites a plurality of visitors to the virtual room"; page 2, 0022, "communicate with one another"; page 5, 0038, "***the visitors can communicate with the owner and other visitors through messages, chat rooms, or other similar communication tools***").

Moreover, Yamamoto discloses *a conversation* (fig. 2, "chat"; page 1, 0005, "text-based conversations") *between the conversation partner* (3, figs. 1 & 10; page 1, 0006, "other participants in the same chat room") *and a process* (fig. 10; page 1, 0003,

"processing area chats on the terminal side, recoding medium for processing program for providing area chat rooms"; page 1, 0005, "chat room service; page 5, 0082, "processing section") *running on the first computing device* (3, figs. 1 & 10; page 1, 0003, "on-line chat service using mobile communications terminals"; page 1, 0005, "***chat room service is a service which allows computer or cell phone users to have text-based conversations with each other*** via a cell phone network or computer network"; page 1, 0006, "participant...exchange messages with other participants in the same chat room"; page 2, 0015, "recording a processing program to provide area chat rooms...a portable terminal can exchange character information"; page 3, 0047-0051, "chat display screen").

In addition, Yasue discloses *a conversation between the conversation partner and the process running on the first computing device* (fig. 8; page 1, 0005, "client machines connected to a communications network, such as the Internet, to exchange messages in real time; page 1, 0006-0007, "a tool for ***two people to exchange messages*** or carrying out so called chat in real time; page 3, 0048, "exchanging real-time messages among users...***messenger application and a chat application started on client machines by users***"; page 6, 0097).

Thus, Iyer in view of Yamamoto and Yasue clearly meet the claim limitation "a conversation between the conversation partner and the process running on the first computing device."

d. Rejections of claims 20-28 are improper because Iyer in view of Yamamoto and

Yasue does not suggest all the claim limitations in independent claim 10.

(1) Appellant's Argument: Appellant asserts on page 10 of the Brief that claims 20-28 are all dependent claims of independent claim 1, incorporating all limitations in claim 10. Accordingly, claims 20-28 are patentable at least for the same reason for claim 10 as stated above.

The examiner respectfully disagrees. Claims 20-28 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 10.

e. Rejections of claim 29 and 30 are improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in claim 29 and 30.

(1) Appellant's Argument: Appellant asserts on page 10 of the Brief that claims 29 and 30 further explicitly limit the scope of claim to *"invoking the state on the computing device in order to respond to the conversation message".*

The Examiner respectfully disagrees. Iyer discloses invoking the state on the computing device in order to respond to the conversation message (fig. 2; page 3, 0029, "checking a connection to the SA, a query will be accepted...the user would initiate a query to the SA to ***get the current state of the SA***; page 3, 0026, "SA window 29 that includes a SA name, or identifier 32, an owner name 34 and ***a current state 36*** which ***includes facts about the subject information being transmitted and the users that have connected***...chat capabilities"). Iyer's teaching of invoking the current state of

sharing room or connectivity of computing devices would obviously be used to stop sending a response message to a computing device, which is already disconnected or exited from the sharing room, and to continue sending a response message to a computing device, which connection is still maintained in the sharing room.

Moreover, Yamamoto discloses *invoking the state on the computing device in order to respond to the conversation message* (page 9, 0155-0156, "log-in management section 111 sends a connection check signal periodically to the terminals 3 of the participants of its own chat room 110 to check whether connection is maintained"; page 9, 0157, "on the terminals 3 of the participants 204-207, the analysis section 313 analyzes the exit information"). Yamomoto's teaching of checking status of connection of terminals would obviously be used to stop sending a response message to a terminal, which is already disconnected or exited from the chat room, and to continue sending a response message to a terminal, which connection is still maintained in the chat room. Thus, Iyer in view of Yamamoto and Yasue clearly meet the claim limitation "invoking the state on the computing device in order to respond to the conversation message."

f. Rejections of claims 31-32, 34-37 and 39-42 are improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in independent claim 29.

(1) Appellant's Argument: Appellant asserts on page 12 of the Brief that claims 31-32, 34-37 and 39-42 are all dependent claims of independent claim 29, incorporating all limitations in claim 29. Accordingly, claims 31-32, 34-37 and

39-42 are patentable at least for the same reason for claim 29 as stated above.

The examiner respectfully disagrees. Claims 31-32, 34-37 and 39-42 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 29.

g. Rejections of claim 43 and 44 are improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in claim 43 and 44.

(1) Appellant's Argument: Appellant asserts on page 12 of the Brief that Claim 29 and 30 are patentable, at least for the same reasons as stated above for claim 1, 29 and 30.

The examiner finds typo in the argument because argued claims 29 and 30 do not match with the section g. Claims 29 and 30 are already argued in section e on page 11 of the brief. Therefore, the examiner assumes that appellant argues regarding claims 43 and 44 in this section, instead of claims 29 and 30.

The examiner respectfully disagrees. Claims 43 and 44 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claims 1, 29 and 30.

h. Rejections of claims 45-46, 48-51 and 53-56 are improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in independent claim 43.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claims 45-46, 48-51 and 53-56 are all dependent claims of independent claim 43, incorporating all limitations in claim 43. Accordingly, claims 45-46, 48-51 and 53-56 are patentable at least for the same reason for claim 43 as stated above.

The examiner respectfully disagrees. Claims 45-46, 48-51 and 53-56 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 43.

i. Rejection of claim 57 is improper because Iyer in view of Yamamoto and Yasue does not suggest all the claim limitations in claim 57.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claim 57 is patentable, at least for the same reasons as stated above for claim 1, 29 and 30.

The examiner respectfully disagrees. Claim 57 is properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claims 1, 29 and 30.

j. Reiection of claim 58 is improper because Iver in view of Yamamoto and Yasue does not suggest all the claim limitations in claim 58.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claim 58 is patentable, at least for the same reasons as stated above for claim 1, 29 and 30.

The examiner respectfully disagrees. Claim 58 is properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claims 1,

29 and 30.

B. Rejections of claims 7, 8, 17, 18, 35, 36, 49 and 50 are improper because claims 7, 8, 17, 18, 35, 36, 49 and 50 are all dependent claims of patentable independent claims.

a. Rejections of claims 7 and 8 are improper because claim 7 and 8 are dependent claims of independent claim 1.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claims 7 and 8 are all dependent claims of patentable independent claim 1, incorporating all limitations in claim 1. Accordingly, Iyer in view ofYamamoto, Yasue, further in view of Eide cannot render the present invention in claims 7 and 8 obvious under 35 U.S.C. § 103(a).

The examiner respectfully disagrees. Claims 7 and 8 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 1.

b. Rejections of claims 17 and 18 are improper because claim 17 and 18 are dependent claims of independent claim 10.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claims 7 and 8 are all dependent claims of patentable independent claim 10, incorporating all limitations in claim 1. Accordingly, Iyer in view of Yamamoto, Yasue, further in view of Eide cannot render the present invention in claims 17 and 18 obvious

under 35 U.S.C. § 103(a).

The examiner respectfully disagrees. Claims 17 and 18 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 10.

c. Rejections of claims 35 and 36 are improper because claim 35 and 36 are dependent claims of independent claim 29.

(1) Appellant's Argument: Appellant asserts on page 13 of the Brief that claims 35 and 36 are all dependent claims of patentable independent claim 29, incorporating all limitations in claim 1. Accordingly, Iyer in view of Yamamoto, Yasue, further in view of Eide cannot render the present invention in claims 35 and 36 obvious under 35 U.S.C. § 103(a).

The examiner respectfully disagrees. Claims 35 and 36 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 29.

d. Rejections of claims 49 and 50 are improper because claim 49 and 50 are dependent claims of independent claim 43.

(1) Appellant's Argument: Appellant asserts on page 14 of the Brief that claims 49 and 50 are all dependent claims of patentable independent claim 43, incorporating all limitations in claim 1. Accordingly, Iyer in view of Yamamoto, Yasue, further in view of Eide cannot render the present invention in claims 49 and 50 obvious under 35 U.S.C. §

103(a).

The examiner respectfully disagrees. Claims 49 and 50 are properly rejected under 35 U.S.C. 103(a) for the same reasons cited above with respect to independent claim 43.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Conferees:

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